



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1134 be amended to read as follows:

- 1 Page 9, line 35, delete "IC 20-30-17-4;" and insert "**IC**
- 2 **20-30-17-5;**".
- 3 Page 9, line 37, delete "IC 20-30-17-4," and insert "**IC 20-30-17-5,**".
- 4 Page 14, delete lines 28 through 33, begin a new paragraph and
- 5 insert:
- 6 "**Sec. 2. (a) As used in this chapter, "educational activity" means**
- 7 **a presentation, an assembly, a lecture, or any other educational**
- 8 **activity or event that is:**
- 9 **(1) organized or facilitated by a public school or school**
- 10 **employees, including activities conducted by individuals or**
- 11 **organizations that are not associated with the public school;**
- 12 **and**
- 13 **(2) assigned, distributed, presented, or otherwise made**
- 14 **available to students."**
- 15 Page 15, delete lines 20 through 38, begin a new paragraph and
- 16 insert:
- 17 "**Sec. 4. (a) The curricular materials advisory committee shall**
- 18 **be comprised according to the following requirements:**
- 19 **(1) The governing body as a whole shall appoint members to**
- 20 **the advisory committee in accordance to the following**
- 21 **parameters:**

(A) Except as provided in clause (C), sixty percent (60%) parents of students within the school corporation. However, not more than fifty percent (50%) of the parents of students may be employees of the school corporation.

(B) Except as provided in clause (C), forty percent (40%) teachers, administrators, or members of the community. However, not more than fifty percent (50%) of the teachers, administrators, or community members that comprise the forty percent (40%) may be administrators.

(C) Not more than fifty percent (50%) of the members described in clauses (A) and (B) may be employees of the school corporation.

(2) Each member of the governing body shall appoint one (1) individual who is a parent of a student within the school corporation who should be included in the parameter described in subdivision (1)(A). Nothing in this subdivision shall be construed to prohibit the governing body as a whole from appointing additional individuals under subdivision (1)(A).

(b) Members appointed under subsection (a) shall serve a four (4) year term. The:

(1) governing body, except as provided in subdivision (2), may fill a vacancy for a member appointed under subsection (a)(1); and

(2) applicable governing body member may fill a vacancy for an individual described in subsection (a)(2); with a member who will serve a four (4) year term."

Page 16, line 9, delete "shall" and insert "may, at its discretion, review or evaluate any of".

Page 16, line 10, delete "review and evaluate".

Page 16, delete lines 14 through 20, begin a new paragraph and insert:

"(b) Before July 1, 2023, the advisory committee shall submit to the governing body written recommendations for a policy or policies that meet or exceed the requirements described in IC 20-30-17 and establish the extent and manner in which curricular materials and educational activities shall be accessible to parents, individuals involved in a student's education who are designated by the student's parent, and other interested community members. The proposed policy or policies must be considered by the governing body at a public meeting.

Sec. 6. (a) The governing body may accept, reject, or otherwise modify a recommendation made by the advisory committee. However, prior to the 2023-2024 school year, the governing body, in consultation with the advisory committee, shall adopt a policy that must meet or exceed the requirements described in IC 20-30-17 and this chapter outlining the extent in which

curricular materials and educational activities shall be accessible to parents, individuals involved in a student's education who are designated by the student's parent, and other interested community members. In developing the policy or policies, the governing body shall consider:

- (1) the advisory committee's recommendations;
- (2) how best to maximize the convenience for parents to access curricular materials and educational activities in order to engage the parent in the student's learning; and
- (3) the feasibility and resources required to provide maximum access to parents, individuals involved in the student's education who are designated by the student's parent, and other interested community members.

(b) The school corporation's policy adopted under subsection (a) shall allow a student's parent who requests either:

- (1) curricular material; or
- (2) available information relating to an educational activity; that is not available on the school corporation's portal established under IC 20-30-17, to access the material or information as soon as practicable but not later than thirty (30) days after the request is made. The parent's request must identify with reasonable particularity the curricular material or available information relating to an educational activity being requested."

Page 16, line 33, delete "IC 20-30-17-3." and insert "IC 20-33-17-4."

Page 17, between lines 1 and 2, begin a new paragraph and insert:

"(c) The department shall develop guidance for educators necessary to implement this section."

Page 17, line 2, after "3." insert "(a)".

Page 17, line 8, delete "violation." and insert "violation, not to exceed one thousand dollars (\$1,000)."

Page 17, between lines 9 and 10, begin a new paragraph and insert:

"(b) If a court renders judgment in favor of a defendant responding to an action brought under this section and the court finds that the plaintiff's suit was frivolous or brought in bad faith, the court shall order reasonable attorney's fees and court costs in favor of the defendant not to exceed ten thousand dollars (\$10,000)."

Page 18, line 16, delete "state agency (as defined in IC 4-13-1.4-2)."

Page 18, line 17, delete "corporation," and insert "corporation".

Page 18, line 17, delete "IC 20-30-17-3)" and insert "IC 20-30-17-4)".

Page 18, line 18, delete "state agency, school corporation," and insert "school corporation".

Page 19, line 13, delete "state agency, school corporation," and

- 1 insert **"school corporation"**.
- 2 Page 19, between lines 18 and 19, begin a new paragraph and insert:
- 3 **"(d) The department shall develop guidance for educators**
- 4 **necessary to implement this section."**
- 5 Page 19, line 19, delete "(d)" and insert "(e)".
- 6 Page 20, line 5, after "States" insert **"and the economic and**
- 7 **political institutions of the United States are better suited to**
- 8 **contribute toward human advancement, prosperity, scientific**
- 9 **inquiry, and well-being"**.
- 10 Page 23, line 12, delete "IC 20-30-17-3)" and insert **"IC**
- 11 **20-30-17-4)"**.
- 12 Page 23, line 38, delete "The consent".
- 13 Page 23, delete lines 39 through 40.
- 14 Page 23, line 41, delete "manner described in IC 20-30-17-4(e)".
- 15 Page 24, line 3, delete "IC 20-30-17-3)" and insert **"IC**
- 16 **20-30-17-4)"**.
- 17 Page 24, line 20, delete "IC 20-30-17-3)" and insert **"IC**
- 18 **20-30-17-4)"**.
- 19 Page 24, line 27, delete "IC 20-30-17-3)" and insert **"IC**
- 20 **20-30-17-4)"**.
- 21 Page 24, line 32, delete "IC 20-30-17-3)," and insert **"IC**
- 22 **20-30-17-4),"**.
- 23 Page 24, line 42, delete "IC 20-30-17-3)" and insert **"IC**
- 24 **20-30-17-4)"**.
- 25 Page 25, between lines 13 and 14, begin a new paragraph and insert:
- 26 **"Sec. 2. As used in this chapter, "curriculum portal" means the**
- 27 **qualified school's:**
- 28 **(1) Internet web site;**
- 29 **(2) learning management system; or**
- 30 **(3) other web page or electronic modality."**
- 31 Page 25, line 14, delete "2." and insert **"3."**
- 32 Page 25, line 16, delete "3." and insert **"4."**
- 33 Page 25, line 25, delete "4." and insert **"5."**
- 34 Page 25, line 27, delete "or otherwise presented to:" and insert
- 35 **"presented, or otherwise made available to:"**
- 36 Page 25, line 36, delete "8" and insert **"9"**.
- 37 Page 25, line 37, delete "June 30, 2023, and not later than June 30"
- 38 and insert **"August 1, 2023, and not later than August 1"**.
- 39 Page 25, line 39, delete "Internet web site," and insert **"curriculum**
- 40 **portal,"**.
- 41 Page 25, line 39, delete "accessible to parents of students who" and
- 42 insert **"that:**
- 43 **(1) is disaggregated by grade level, teacher, and subject area;**
- 44 **(2) is accessible to parents, or individuals involved in the**
- 45 **student's education who are designated by the parent; or**
- 46 **(3) shows bibliographic or other information necessary to:**

- 1 (A) identify specific textbooks, audiovisual, electronic,
- 2 digital, library, or other learning materials, including the
- 3 title and the author, organization, or Internet address;
- 4 (B) provide either the full text or copy of student surveys;
- 5 and
- 6 (C) provide course or grade syllabi."
- 7 Page 25, delete lines 40 through 42.
- 8 Page 26, delete lines 1 through 19.
- 9 Page 26, line 20, delete "(d)" and insert "(c)".
- 10 Page 26, line 21, delete "Internet web" and insert "curriculum
- 11 portal".
- 12 Page 26, line 22, delete "site".
- 13 Page 26, line 23, delete "In the event that a qualified school is
- 14 unable to post".
- 15 Page 26, delete lines 24 through 40.
- 16 Page 26, line 42, delete "4" and insert "5".
- 17 Page 27, line 8, delete "4" and insert "5".
- 18 Page 27, line 13, delete "4" and insert "5".
- 19 Page 27, between lines 13 and 14, begin a new paragraph and insert:
- 20 "Sec. 8. Nothing in this chapter shall be construed to require a
- 21 qualified school to post or distribute a learning material or
- 22 educational activity in a manner that would constitute an
- 23 infringement of copyright under the federal Copyright Act, 1017
- 24 U.S.C. 101 to 1332."
- 25 Page 27, delete lines 14 through 20.
- 26 Page 28, line 31, delete "IC 20-30-17-3." and insert "IC
- 27 20-30-17-4."
- 28 Page 28, line 32, delete "state agency (as".
- 29 Page 28, line 33, delete "defined in IC 4-13-1.4-2), school
- 30 corporation," and insert "school corporation".
- 31 Page 28, line 37, delete "that" and insert "to".
- 32 Page 29, line 30, delete "state agency (as defined in
- 33 IC 4-13-1.4-2),".
- 34 Page 29, line 31, delete "corporation," and insert "corporation".
- 35 Page 29, line 31, delete "state agency,".
- 36 Page 29, line 32, delete "corporation," and insert "corporation".
- 37 Page 29, line 40, delete "state agency (as defined in
- 38 IC 4-13-1.4-2),".
- 39 Page 29, line 40, delete "corporation," and insert "corporation".
- 40 Page 29, line 41, delete "state agency,".
- 41 Page 29, line 42, delete "corporation," and insert "corporation".
- 42 Page 30, line 1, delete "or take any action that would result in" and
- 43 insert "or adhere to a particular position on the issue or issues
- 44 involved."
- 45 Page 30, delete line 2.
- 46 Page 30, line 3, delete "state agency,".

- 1 Page 30, line 4, delete "state agency (as defined in".
- 2 Page 30, line 5, delete "IC 4-13-1.4-2, school corporation," and
- 3 insert **"school corporation"**.
- 4 Page 30, between lines 15 and 16, begin a new paragraph and insert:
- 5 **"(d) It is the duty of the principal and the superintendent to**
- 6 **carry out the day to day enforcement of this chapter."**
- 7 Page 30, line 16, delete "(d)" and insert **"(e)"**.
- 8 Page 30, line 20, delete "States." and insert **"States or**
- 9 **IC 20-30-5-7(a)(3)."**
- 10 Page 30, line 21, delete "(e)" and insert **"(f)"**.
- 11 Page 30, line 24, delete "includes, incorporates, or is based on" and
- 12 insert **"promotes"**.
- 13 Page 30, line 25, after "IC 20-28-10-20." insert **"This subdivision**
- 14 **includes programs, curricular materials, instructional materials,**
- 15 **curriculum, classroom assignments, orientation, interventions, or**
- 16 **counseling offered by a state agency (as defined in IC 4-13-1.4-2)."**
- 17 Page 30, line 27, delete "includes, incorporates, or is based on" and
- 18 insert **"promotes"**.
- 19 Page 30, line 31, delete "include, incorporate, or are" and insert
- 20 **"promote"**.
- 21 Page 30, line 32, delete "based on".
- 22 Page 30, line 33, after "IC 20-28-10-20." insert **"This subdivision**
- 23 **includes curricular materials, instructional materials, curriculum,**
- 24 **classroom assignments, orientations, interventions, or counseling**
- 25 **offered by a state agency (as defined in IC 4-13-1.4-2)."**
- 26 Page 30, line 37, delete "includes or incorporates" and insert
- 27 **"promotes"**.
- 28 Page 30, line 38, after "IC 20-28-10-20." insert **"This subdivision**
- 29 **includes contracts to provide services, training, professional**
- 30 **development, or any other assistance with a state agency (as**
- 31 **defined in IC 4-13-1.4-2)."**
- 32 Page 30, line 42, delete "includes, incorporates, or is based on" and
- 33 insert **"promotes"**.
- 34 Page 31, line 1, after "IC 20-28-10-20." insert **"This subdivision**
- 35 **includes money received from a state agency (as defined in**
- 36 **IC 4-13-1.4-2)."**
- 37 Page 31, between lines 1 and 2, begin a new paragraph and insert:
- 38 **"(f) The department shall develop guidance for educators**
- 39 **necessary to implement this section."**
- 40 Page 31, line 11, after "site." insert **"A complaint filed under this**
- 41 **section or an appeal under section 4 of this chapter is confidential**
- 42 **and excepted from public disclosure as provided in IC 5-14-3-4."**
- 43 Page 32, line 22, delete "chapter," and insert **"chapter."**
- 44 Page 32, line 29, after "5." insert **"(a)"**.
- 45 Page 32, line 31, delete "state agency,"
- 46 Page 32, line 31, delete "corporation," and insert **"corporation"**.

Page 32, line 36, delete "violation." and insert "**violation, not to exceed one thousand dollars (\$1,000).**".

Page 32, between lines 37 and 38, begin a new paragraph and insert:
"(b) A school employee is not responsible for any remedy awarded under subsection (a) to an individual who prevails in a civil action against a school corporation or qualified school that involves the school employee.

(c) If a court renders judgment in favor of a defendant responding to an action brought under this section and the court finds that the plaintiff's suit was frivolous or brought in bad faith, the court shall order reasonable attorney's fees and court costs in favor of the defendant not to exceed ten thousand dollars (\$10,000).".

Page 33, line 1, delete "300.32(b)" and insert "**300.320(b)**".

Page 33, line 4, delete "IC 20-30-17-3)" and insert "**IC 20-30-17-4)**".

Page 33, line 25, delete "The qualified school (as defined in IC 20-30-17-3) or an" and insert "**If the parent of the student or the student, if the student is emancipated, does not respond to the written request provided by the qualified school within twenty-one (21) calendar days after receiving the initial request under this subsection, the qualified school shall provide the parent of the student, or the student, if the student is emancipated, a second written notice requesting that the parent of the student, or the student, if the student is emancipated, indicate, in a manner prescribed by the qualified school, whether the parent of the student or the emancipated student consents to the services described in subsection (b). The second notice must accurately summarize the contents and nature of services that will be provided to the student. The notice may be sent in an electronic format. If the qualified school does not receive a response within ten (10) days after the notice, the qualified school may proceed in providing the student with the services described in subsection (b) unless the parent or the adult or the emancipated student subsequently opts out of the instruction for the student.**".

Page 33, delete lines 26 through 29.

Page 33, line 37, delete "IC 20-30-17-3)" and insert "**IC 20-30-17-4)**".

Page 34, between lines 1 and 2, begin a new paragraph and insert:
"(h) The department shall develop guidance for educators necessary to implement this section."

Page 34, delete lines 2 through 42.

- 1 Page 35, delete lines 1 through 27.
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1134 as printed January 13, 2022.)

Representative Cook